

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAUSALITO YACHT HARBOR,
Plaintiff,
v.
M/Y RISKY BUSINESS,
Defendant.

Case No. [14-cv-03342-WHO](#)

**ORDER DIRECTING VESSEL
SALE AND AUTHORIZING CREDIT
BID**

CONSIDERING the Motion of Plaintiff SAUSALITO YACHT HARBOR for an Order directing the public auction of the DEFENDANT VESSEL in this action, that certain 1995 Sea Ray motor vessel of approximately 33.5-feet in length, U.S. Coast Guard Documentation No. 1034017, and all of her engines, tackle, accessories, equipment, furnishing and appurtenances, and having considered the record in this action, and good cause therefor appearing,

IT IS HEREBY ORDERED that, consistent with Supplemental Admiralty Rule E(9)(B) and Local Admiralty Rule 9-2, the United States Marshal be and hereby is directed and empowered to sell said DEFENDANT VESSEL and her engines, tackle, accessories, equipment, furnishings and appurtenances, as is, where is, at public sale at the first available time and date, after having first caused notice of said sale to be published in The Recorder for six (6) or more consecutive days before the date of sale; and

IT IS FURTHER ORDERED that such public notice specify the date, time and location for the sale of the DEFENDANT VESSEL; and

IT IS FURTHER ORDERED that, consistent with Local Admiralty Rule 9-2(b), the above mandated public notice shall specify that the last and highest bidder at the same shall be required at the sale to provide to the U.S. Marshal a minimum deposit in cash, certified check or

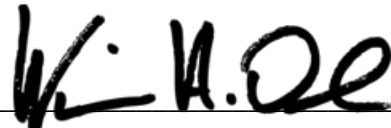
1 cashier's check, the full purchase price if it does not exceed \$1,000.00 and otherwise \$1,000.00 or
2 ten percent (10%) of the bid, whichever is greater, and that balance, if any, of the purchase price
3 shall be paid in cash, certified check or cashier's check before confirmation of the sale or within
4 three (3) court days of the dismissal of any opposition which may have been filed; and

5 **IT IS FURTHER ORDERED** that any proceeds of said sale be retained by or deposited
6 by the United States Marshal in the Registry of this Court, pending further Order of this Court;
7 and

8 **IT IS FURTHER ORDERED** that Plaintiff, having a secured maritime lien interest in the
9 Defendant Vessel pursuant to the Commercial Instruments and Federal Maritime Lien Act (46
10 U.S.C. section 31301, *et seq.*) and being the only claimant in this action asserting a maritime claim
11 against her, is authorized pursuant to Local Admiralty Rule 9-2(b) to credit bid at the auction of
12 the DEFENDANT VESSEL, without payment of cash, a sum equal to its secured interest in the
13 Defendant Vessel, consisting of the lien amount specified in PLAINTIFF's Verified Complaint
14 (\$11,158.69), plus its actual costs of suit through the date of the sale, including U.S. Marshal and
15 other *custodia legis* expenses. However, as Plaintiff's maritime necessities lien interest in the
16 DEFENDANT VESSEL does not, as a matter of law, include attorneys' fees, such fees are not to
17 be included in any credit bid Plaintiff makes.

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19 **IT IS SO ORDERED.**

20 Dated: January 29, 2015

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22 WILLIAM H. ORRICK
23 United States District Judge
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